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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,609	11/04/2000	Daniel H. Illowsky	A-69992/RMA	8538

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EXAMINER
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WALSH, JOHN B

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/706,609	<b>Applicant(s)</b> ILLOWSKY, DANIEL H.	
	<b>Examiner</b> John B. Walsh	<b>Art Unit</b> 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/6/02, 3/5/01</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 2 is objected to because of the following informalities: Claim 2, line 4 – recites “numbers” twice. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 14, 15 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 recites “wherein said sensory challenged user is a sight impaired user, a hearing impaired user, a sight and hearing impaired user.” This limitation has not been given patentable weight since the limitations are not drawn to a method step further limiting the method. The limitation merely identifies an intended use, wherein particular users may perform the method. Furthermore a sight impaired user, a hearing impaired user, a sight and hearing impaired user are not patentable subject matter.

Claim 15 recites the limitation “the message” and “said solicited user input”. There is insufficient antecedent basis for this limitation in the claim.

Claim 18 recites the limitation “said enumeration”. There is insufficient antecedent basis for this limitation in the claim.

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,725,424 to Schwerdtfeger et al.

As concerns claim 1, a method for communicating an idea to a user including to a sensory or physically challenged user, said method comprising the steps of: identifying an idea to be communicated to a user (12); collecting and storing a plurality of alternative expressions (presented information is stored, column 3, lines 17-18) for said idea, each said alternative expression being associated with a different one of a plurality of possible outputs generated by a client device (22), each said output intended to stimulate a different sense of a user (visual and/or audible); composing an electronic content encompassing said idea from selected ones of said plurality of alternative expressions (column 3, lines 17-18, digital document transcoded to an alternative expression, which may be Braille or speech); communicating said electronic content to said client device for presentation to said user (presented via an output device, computer monitor); selecting a particular output to generate from among said plurality of possible outputs (column 4, lines 48-54), and executing instructions in said client device to generate said selected output so as to stimulate a particular one of said user senses (client device computer inherently executes instructions/computer code to generate the output).

As concerns claim 2, the method of claim 1, further comprising soliciting user input in one or more of a plurality of manners selected from the set consisting of: enumerating the available user input sources and selected from one of the enumerated input sources, from one of the enumerated inputs entering choices in words where the manner of input is a combinations of words, characters, letters numbers, numbers, sentences, paragraphs, sets of paragraphs, so as to provide an input for filling out forms (keyboard allows user to input, column 7, line 19).

As concerns claim 3, the method in Claim 1, wherein said user senses are selected from the group consisting of sight, hearing, touch, smell, taste, and combinations thereof (combinations thereof, abstract, physically challenged user).

As concerns claim 4, the method in Claim 1, wherein said client device possible outputs include a display device (24, column 6, line 3) for presenting symbols, text, graphics, and pictures or motion video sensible by a users eyes; an audio output device (speaker, column 6, line 5) for presenting a sound sensible by a users ears; a tactile output device sensible by a users touch at or through a skin surface; an electronic signal for coupling to a user skin surface mounted or internally implanted sensory transducer device adapted to produce a sensory experience for said user (Braille display, column 3, line 18).

As concerns claim 5, the method in Claim 1, wherein said step of selecting comprises the step of being selected by said user when said content is received (content received then user selects they may want the output in audio through speakers).

As concerns claim 6, the method in Claim 1, wherein said step of selecting comprises the step of being selected in response to an indicator (column 7, line 65; identifiers, column 8, lines 28-30) received with said content.

As concerns claim 7, the method in Claim 1, wherein said step of selecting comprises the step of being selected in response to user preferences identified prior to receipt of said content (initially users purchases or uses specific hardware devices attached to the client based on there needs or desires).

As concerns claim 8, the method in Claim 1, wherein said step of selecting comprises the step of being selected in response to client device characteristics (outputted selected in response to client device characteristics such as what devices are connected will affect the selection).

As concerns claim 9, the method in Claim 8, wherein said client device characteristics are selected from the group consisting of: client device hardware characteristics (hardware connected with client, i.e. speakers, mouse, stylus, Braille display), client device software device characteristics, client device firmware characteristics, client device programmatic characteristics, client device data characteristics and combinations thereof.

As concerns claim 10, the method in Claim 2, wherein inputs are selected from the group consisting of: eye movements, direct sensing of brain signals with electrodes, direct sensing of neuromuscular signals, sensing of skin characteristics (sense skin pressure applied to a button as an input), and combinations thereof.

As concerns claim 11, the method in Claim 1, wherein said tactile output device generates a Braille tactilely sensible indicia (column 3, line 18).

As concerns claim 12, the method in Claim 1, wherein said plurality of alternative expressions for said idea includes symbolic expression (graphics on display screen).

As concerns claim 13, the method in Claim 1, wherein said plurality of alternative expressions for said idea includes a text expression for each content item including a description of all audio and graphical content (column 7, lines 61-67).

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As best understood concerning claim 14, the method in Claim 1, wherein said sensory challenged user is a sight impaired user, a hearing impaired user, a sight and hearing impaired user (abstract, physically challenged user).

As best understood concerning claim 15, the method in Claim 1, wherein semantic information contained in the message is associated with the message and used in conjunction with said solicited user input (column 4, lines 55-58).

As concerns claim 16, the method in Claim 1, wherein user input solicitation and enumeration is performed by moving a single button (column 7, line 19) which causes the selection to be sequentially highlighted or sequentially articulated or tactilely identified.

As concerns claim 17, the method in Claim 16, wherein said user input solicitation and enumeration is performed by an act selected from the set of acts consisting of: select from articulated text, selection from items enumerated by voice, button pressing, double mouse clicks, and combinations thereof (column 7, lines 17-22).

As best understood concerning claim 18, the method in Claim 1, wherein said enumeration comprises articulated text (text inputted by user).

As concerns claim 19, the method in Claim 1, wherein a semantic flag mechanism provides multi-sensor capability (identifier, column 7, lines 65-66).

As concerns claim 20, a multi-sensory electronic content package for communicating with sensory impaired users; said package comprising procedural portions (code for 40) and data portions (data used by client 22).

As concerns claim 21, the method in Claim 1, wherein user input solicitation and enumeration is performed from input voice commands (column 7, line 20).

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As concerns claim 22, the method in Claim 1, wherein user input solicitation and enumeration is performed by double clicking a mouse or button (column 7, lines 19-20).

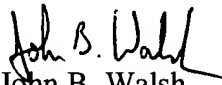
### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Friday from 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
John B. Walsh  
Primary Examiner  
Art Unit 2151